



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Regarding: Ralph W. Cooper
Serial No. 10/665,921
Filing Date 09/18/2003
For LEAK DETECTION SYSTEM

RCE Amendment

Attention: Group Art Unit 2856
Examiner Charles Garber/John Fitzgerald

Commissioner for Patents, Alexandria, VA 22313-1450:

Please, in reply to the outstanding Office action, amend the present application. Attached are CLAIMS AMENDMENTS.

This amendment more particularly points out and distinctly claims the present invention, and is fully supported by the underlying specification, including drawings. No new matter is added hereby, nor has any new matter been added previously. Now, claims 15-19 and 24-26 are present.

As may apply to the present claims, the rejection of claims 15-19 under 35 USC 103(a) over Thompson, patent No. 5,441,070, is respectfully traversed. Thompson does not teach nor suggest any of the present claimed embodiments to a person having ordinary skill in the art under the meaning of Sec. 103(a). The Examiner will appreciate that the fluid management system of Thompson requires, among other things, a plurality of fluid control valves for each of which a fluid flow control sensor is provided. See, Thompson, column 2, lines 28-38. In contrast, the present claims require a single user demand detector and a single pressure decay detector. The system of Thompson is complex and cumbersome, but the present claimed system is simple and efficient. The Examiner admits that this invention has a superior cost benefit over the Thompson system. This must be taken into account. See, Graham v. John Deere Co. of Kansas City, 148 USPQ 459 (U.S. 1966). The Examiner's reliance on the Karlson case is misplaced as he cites it to set forth a per se rule of obviousness, the use of which was to have ceased long ago. See, In re Oaichi, 37 USPQ2d 1127 (Fed. Cir. 1995). Thompson clearly teaches away from the simple, single detector system of the present claims, and this is strong evidence of nonobviousness. See, In re Hedges, 228 USPQ 685 (Fed. Cir. 1986). By virtue of their dependence on claim 15, claims 16-19 and 24-26 distinguish over Thompson. Moreover, the claims have other limitations that further distinguish thereover. For example, a "close proximity" limitation is set forth in claims 24 and 26, as suggested by the Examiner in the outstanding action, and an additional control valve limitation is set forth in claim 25. Please, therefore, withdraw this rejection.

The Examiner is cordially invited to call the undersigned.

Respectfully submitted,

Dated: Aug. 21, 2006 A.D.

Attmt: Pages 2-3

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